

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THIRD WAVE TECHNOLOGIES, INC.,

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

Case No. 04-C-680-C

STRATAGENE CORPORATION,

Defendant.

This action came before the court and a jury with District Judge BARBARA B. CRABB presiding. The issues have been tried and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED

that judgment is entered in favor of plaintiff Third Wave Technologies, Inc. against defendant Stratagene Corporation that:

1. Stratagene's use of the FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master Mix products ("the accused products") infringes Claim 16 of U.S. Patent No. 6,090,543 and Claims 1,5,7, 12 and 14 of U.S. Patent No. 6,348,314 ("the asserted claims");
2. Stratagene induces infringement of Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 by selling the accused products and instructing customers in their use;

3. Stratagene contributorily infringes Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 by selling the accused products, which have no substantial noninfringing use;
4. Claim 16 of U.S. Patent No. 6,090,543 and Claims 1, 5, 7, 12 and 14 of U.S. Patent No. 6,348,314 are not invalid;
5. Stratagene Corporation and its respective employees, agents, officers, directors, attorneys, licensees, successors and assigns, and all persons acting on behalf of or in concert and participation with any of them who receive actual notice of this order, are hereby permanently enjoined from making, advertising, promoting the use of, selling, offering to sell, using, permitting to be used, contributing to the use, sale or offering for sale of, or inducing the use, sale or offering for sale of the accused products, or of any other product used in a method that meets all of the limitations of any of the asserted claims;
6. Stratagene Corporation is to destroy its existing inventory of the accused FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master Mix products within ten days of the final resolution of Stratagene Corporation's appeal;
7. Stratagene Corporation shall notify its current customers of the accused FullVelocity QPCR Master Mix and FullVelocity QRT-PCR Master Mix products of the outcome of this litigation within ten days of this order and instruct them that they may not use those products in a method that meets all of the limitations of any of the asserted claims; and

8. Third Wave Technologies, Inc. is awarded enhanced damages in the amount of \$15,870,000.00 plus attorney fees.

Approved as to form this 4th day of January, 2006.

/s/

BARBARA B. CRABB,
District Judge

/s/ Joel Turner, Chief Deputy Clerk

Theresa M. Owens, Clerk of Court

1/4/06

Date